

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

MICHAEL D. SINGLETON,	:	Case No. 2:23-cv-164
	:	
Petitioner,	:	
	:	
vs.	:	Chief Judge Algenon L. Marbley
	:	Magistrate Judge Peter B. Silvain, Jr.
	:	
LEBANON CORRECTIONAL	:	
INSTITUTION WARDEN,	:	
	:	
Respondent.	:	

DEFICIENCY ORDER

Michael D. Singleton, a state prisoner proceeding without the assistance of counsel, has submitted a petition for a writ of habeas corpus under 28 U.S.C. § 2254. (Doc. 1). The case has been referred to the Undersigned pursuant to 28 U.S.C. § 636(b) and General Order 22-05 regarding assignments and references to United States Magistrate Judges.

Two issues must be resolved before the case can proceed. First, Petitioner has not paid the filing fee required to commence this action, or alternatively, filed an application to proceed *in forma pauperis* and without prepaying the fees. The filing fee for a habeas corpus case is \$5.00. 28 U.S.C. § 1914(a). Petitioner is **ORDERED** to either pay the \$5.00 filing fee or submit an application to proceed *in forma pauperis* on the appropriate form **WITHIN THIRTY DAYS** of the date of this Deficiency Order. For convenience, the Clerk of Court is **DIRECTED** to send Petitioner a blank copy of the application to proceed *in forma pauperis* that is used by prisoners along with this Deficiency Order.

Second, Petitioner has not signed the Petition. (See Doc. 1, PageID 16). Rule 2(c)(5) of the Rules Governing Section 2254 Cases in the United States District Courts requires that all

habeas corpus petitions be signed “under penalty of perjury by the petitioner or by a person authorized to sign it for the petitioner.” *See also* Fed. R. Civ. P. 11 (requiring that every pleading, written motion, and other paper be signed by the parties if not represented by counsel). As Petitioner appears to be proceeding in this case on his own behalf and without counsel, he must sign the Petition.

The Clerk is **DIRECTED** to return the original Petition to Petitioner. Petitioner is **ORDERED** to sign the Petition and return it to the Clerk **WITHIN THIRTY DAYS** of the date of this Deficiency Order if he wishes to pursue this matter.

Petitioner is **ADVISED** that if he fails to comply with either part of this Deficiency Order, his case may be dismissed for failure to prosecute. He must also keep this Court informed of his current address, and promptly file a Notice of New Address if he is released or transferred.

IT IS SO ORDERED.

January 20, 2023

s/Peter B. Silvain, Jr.

Peter B. Silvain, Jr.

UNITED STATES MAGISTRATE JUDGE